

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MILLENIUM INC., a Nevada corporation,

-----x
Case No. 23-cv-06583-AT

Plaintiff,

**STIPULATION VACATING
DEFAULT**

-against-

MILLENIUM SMOKE SHOP INC., a New York
Corporation,

Defendant.

-----x

WHEREAS, Plaintiff commenced this action by filing the complaint on July 28, 2023
(Doc. No. 1); and

WHEREAS, Defendant was served with the summons and complaint and did not timely
appear in the action; and

WHEREAS, on November 17, 2023, the Clerk issued a certificate of default (Doc. No. 25);
and

WHEREAS, on December 11, 2023, Defendant served and filed its Answer to the
complaint (Doc. No. 28) and

WHEREAS, on December 12, 2023, Plaintiff submitted a motion for the entry of a default
judgment (Doc. No. 29); and

WHEREAS, on December 13, 2023, the Court issued an order (Doc. No. 30) that
in pertinent part directed the parties to confer as to whether they would file a joint stipulation
vacating the certificate of default.

NOW, IT IS STIPULATED AND AGREED, by and between the attorneys for the parties
that:

1. Defendant's default in timely answering the complaint, and the Certificate of

Default entered on November 17, 2023, are hereby vacated.

2. Defendant's answer (Doc. No. 28) is deemed timely served and filed.
3. Plaintiff's motion (Doc. No. 29) for the entry of a default judgment is withdrawn without prejudice.

Dated: Massapequa, New York
December 29, 2023

MANDOUR & ASSOCIATES, APC

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